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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,184	02/04/2004	Mariana Benitez Pelaez	LUTZ 2 00256	4687
7590	09/22/2005		EXAMINER	
Richard J. Minnich, Esq. Fay, Sharpe, Fagan, Minnich & McKee, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114-2518				FIGUEROA, MARISOL
		ART UNIT		PAPER NUMBER
		2681		
DATE MAILED: 09/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/772,184	PELAEZ ET AL.	
	Examiner	Art Unit	
	Marisol Figueroa	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 February 2005
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 February 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities:
 - (a) Insert --terminal-- before identifier to be in order to be consistent through the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. **Claims 1, 3, 5-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Morriss et al. US 2004/0203601 A1** in view of **Kady US 2003/0107470 A1**.

Regarding claims 1 and 9, Morriss disclose a method and system of/for protecting a lost or stolen mobile communications terminal having a terminal identifier from unauthorized use comprising:

placing the mobile communications terminal in a Protected Mode without deactivating the mobile communications terminal's terminal identifier (abstract, lines 1-4; p.0011; p.0042, lines 1-11; a user or service provider can activate a restrictive operating mode, i.e. protected mode, of a wireless communication device in the even the device is lost or stolen); preventing outgoing calls from being made from the mobile communications terminal in the Protected Mode (p.0044; the wireless communication device is prevented from making outgoing calls other than to one of the restricted target devices). Morriss fails

to disclose redirecting incoming calls destined for the mobile communications terminal in the Protected Mode. Kady discloses locking mechanism used in cellular phone protected it from theft and misuse. A user for example might be able to borrow his phone without borrower receiving his/her personal communication by setting the phone to forward all the phone owner's incoming calls to their voice mail or other forwarded location (p.0044). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to redirecting incoming calls destined for the mobile communications terminal in the Protected Mode as suggested by Kady, in order for a present user of the lost or stolen mobile communication terminal not be able to receive personals calls of the owner and for also to have a way for receiving communication from other persons unaware that his/her mobile terminal is lost or stolen.

Regarding claims 3 and 10, the combination of Morriss and Kady disclose the method and system defined in claims 1 and 9, Kady further disclose wherein the redirecting step includes redirecting the incoming calls to the mobile communications terminal's voicemail system (p.0044, lines 28-34; incoming calls to a terminal in a lock mode can be forwarded to their voicemail). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to redirecting incoming calls to the mobile communications terminal's voice mail system as suggested by Kady, because the owner of the mobile communications terminal is not accessible to answer the received calls.

Regarding claim 5, the combination of Morriss and Kady disclose the method defined in claim 1, Morriss further disclose wherein the placing step includes the subscriber placing the terminal in the Protected Mode (p.0035, lines 4-22 – p.0036, lines 1-7).

Regarding claim 6, the combination of Morriss and Kady disclose the method defined in claim 1, Morriss further disclose wherein the placing step includes the subscriber

placing the terminal in the Protected Mode using a web site (p.0035, lines 4-22 – p.0036, lines 1-7; the user of the wireless communication device accesses the wireless service provider website to activate a restrictive mode, i.e. protected mode, of the device).

Regarding claim 7, the combination of Morris and Kady disclose the method defined in claim 1, Morris further disclose wherein the placing step includes the mobile communications service provider placing the terminal in the Protected Mode (p.0037; the wireless device owner contacts the wireless service provider for placing the wireless device in restrictive mode).

Regarding claim 8, the combination of Morris and Kady disclose the method defined in claim 1, Morris further disclose comprising locating the terminal when a call is attempted to be made from the mobile terminal in Protected Mode (p.0049, lines 9-22; in one embodiment the password transmitted for setting the restrictive mode may also instruct the wireless communication device to place a call to a restricted device if the processor tries to make a call or send a message, and consequently if the device is a GPS capable device the location of the device is transmitted).

Regarding claim 11, the combination of Morris and Kady discloses the method defined in claim 9, Kady further disclose wherein the means for redirecting incoming calls includes means for redirecting incoming calls to another terminal (p.0044, lines 28-34; the phone owner's incoming calls can be set to be forwarded to another forwarded location, i.e. terminal). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to redirect incoming calls to another terminal as suggested by Kady, in order for the owner of the stolen or lost communication terminal still be contacted by others calling at the stolen communication terminal.

4. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Morriss et al.**

in view of **Kady**, and further in view of **Alfred US 6,393,275 B1**.

Regarding claim 2, the combination of Morriss and Kady disclose the method defined in claim 1 wherein the identifier is an Electronic Serial Number (ESN). Alfred teaches that cellular telephones include a memory containing a unique terminal identifier (TID) referred in the United States as an electronic serial number (ESN) (col.2, lines 50-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to recognize that a mobile communication terminal have a electronic serial number (ESN) as taught by Alfred, since it is well known that cellular telephone have stored this number in their memory and by this number they are recognized by the network.

5. **Claims 4 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Morriss et al. in view of **Kady**, and further in view of **Himmel et al. US 6,937,868 B2**.

Regarding claim 4, the combination of Morriss and Kady discloses the method defined in claim 1, but fails to disclose wherein the redirecting step includes redirecting the incoming calls to a forwarding number. Himmel disclose a system to redirect calls to a telephone number accessible to a called party (col.5, lines 46-60; col.6, lines 11-16). Therefore, it would have been obvious to one having ordinary skill in the art a the time of the invention to redirect incoming calls to a forwarding number as suggested by Himmel, in order to receive a call directed to a unavailable communication terminal in another telephone number associated with the user that is accessible to him/her.

6. **Claims 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Morriss et al. in view of **Kady**, and further in view of **Khayrallah et al. US 6,490,314 B1**.

Regarding claims 12 and 13, the combination of Morriss and Kady disclose the system defined in claim 9, but fails to disclose wherein the means for preventing outgoing

calls from being made from the mobile communications terminal includes a Call Session Manager and wherein the Call Session Manager is a Mobile Switching Center. Khayrallah teaches that cellular systems are comprised of at least a mobile station, a base station system, a mobile switching center, i.e., and an operation support system. The switching center is responsible for call procession, generating call progress tone, and billing charges, and generally is provided with authentication to verify user's identity to prevent calls from stolen mobile stations (col.5, lines 8-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include a Call Session Manager, i.e. MSC, to prevent outgoing calls as taught by Khayrallah, since is well known that call session managers are responsible for call processing.

7. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Morriss et al.** in view of **Kady, and Khayrallah et al.**, and further in view of well known Prior Art (see MPEP 2144.03).

Regarding claim 14, the combination of Morriss, Kady and Khayrallah discloses the system defined in claim 12, but fails to disclose wherein the Call Session Manager is an Internet Protocol Multimedia Subsystem. The Examiner takes Official Notice that is notoriously well known an IP Multimedia Subsystem handle IP multimedia services. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide a IP Multimedia Subsystem to control IP multimedia sessions since it is well known that mobile communication devices are also capable of engaging in IP multimedia Sessions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday thru Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marisol Figueroa


RAFAEL PEREZ-GUTIERREZ
PRIMARY EXAMINER
9/17/05